

<b>TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT</b>		Docket No.: VAL6131P0208AUS
Applicant(s): Outtrup et al.		
Serial No.: 09/858,207	Filing Date: May 15, 2001	
Group Art Unit: 1651	Examiner: Irene Marx	
Invention: Mutants Which Produce a Potentiator of Bacillus Pesticidal Activity		

Commissioner For Patents  
Washington, D.C. 20231

The owner, \* Valent BioSciences Corporation, of 100% (one hundred percent) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,277,624. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2, if appropriate.

1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

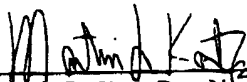
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

\* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner) Form PTO/SB/96 may be used for making this certification. See MPEP §324.

- ☒ Terminal Disclaimer fee under 37 CFR 1.20(d) is enclosed in the amount of:  
☒ \$110.00 (large entity)  
☐ \$ 55.00 (small entity)

- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account Number 23-0785. A duplicate copy of this sheet is enclosed.

  
Martin L. Katz, Reg. No. 25,011

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CERTIFICATE OF MAILING

I hereby certify that this Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent, is being transmitted via facsimile, 703-308-0294, addressed to: Attention: Irene Marx, Commissioner for Patents, Washington, D.C. 20231 on April 28, 2003.

  
Corinne Byk